

**UNITED STATES DISTRICT COURT**

MIDDLE DISTRICT OF ALABAMA  
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MONTGOMERY, ALABAMA 36101-0711

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April 1, 2008

**NOTICE OF CORRECTION**

**To:** All Counsel of Record

**From:** Clerk's Office

**Case Style:** Koch Foods of Alabama, LLC v. General Electric Capital Corp.

**Case Number:** #2:07-cv-00522-MHT

**Referenced Document:** Document #110  
Proposed Verdict Forms

**This notice has been docketed to enter the corrected pdf of the referenced document into the record. The original pdf did not contain an electronic signature as required by the Civil Administrative Procedures II-C nor did it contain a certificate of service. The corrected pdf is attached to this notice.**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

<u>KOCH FOODS OF ALABAMA, LLC,</u>	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
<u>Defendant and Counterclaim-plaintiff.</u>	)	

**NOTICE OF SUBMISSION OF VERDICT FORMS**

COMES NOW Plaintiff Koch Foods of Alabama, Inc., and submits the following  
proposed verdict forms:

/s/ Constance C. Walker  
Constance C. Walker (ASB-5510-L66C)  
Attorney for Plaintiff Koch Foods of  
Alabama, LLC

OF COUNSEL:

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**CERTIFICATE OF SERVICE**

I hereby certify that on the 31<sup>st</sup> day of March, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system that will send notification of such filing to the following counsel:

Alexander Terras  
Timothy Scott Harris  
Reed Smith Sachnoff & Weaver  
10 South Wacker Drive  
Chicago, IL 60606

Rusha Christina Smith  
Bradley Arant Rose & White LLP  
One Federal Place  
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Birmingham, AL 35203-2104

/s/ Constance C. Walker  
OF COUNSEL

**VERDICT FORM**

Complete all questions that apply.

1. Did the plaintiff, Koch Foods of Alabama, LLC, prove by a preponderance of evidence that the deboning lines and the spiral freezer are the fixtures of Koch Foods' poultry processing facility?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If you answered yes, sign and date Verdict From A, and stop, and this concludes all the questions you need to answer. If you answered no, sign and date Verdict From B, and proceed to the next question.

2. Did the counterclaim plaintiff, General Electric Capital Corporation, prove by a preponderance of evidence that the counterclaim defendant, Koch Foods of Alabama, LLC, converted the spiral freezer located at Koch Foods' poultry processing facility?

\_\_\_\_\_ Yes                      \_\_\_\_\_ No

If you answered no, sign and date Verdict From C, skip question 3, and go directly to question 4. If you answered yes, proceed to the next question.

3. What amount of money will fairly and adequately compensate the counterclaim plaintiff, General Electric Capital Corporation, for the damages it sustained as a result of Koch Foods' conversion of the spiral freezer?

If appropriate, enter amount \$\_\_\_\_\_

Please fill this amount on Verdict Form D, sign and date Verdict Form D, and proceed to the next question.

4. Did the counterclaim plaintiff, General Electric Capital Corporation, prove by a preponderance of evidence that the counterclaim defendant, Koch Foods of Alabama, LLC, converted the deboning lines located at Koch Foods' poultry processing facility?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered no, sign and date Verdict Form E, skip questions 5 through 7, and go directly to question 8. If you answered yes, proceed to the next question.

5. What amount of money will fairly and adequately compensate the counterclaim plaintiff, General Electric Capital Corporation, for the damages it sustained as a result of Koch Foods' conversion of the deboning lines?

If appropriate, enter amount \$\_\_\_\_\_

Please fill this amount on Verdict Form F, sign and date Verdict Form F, and proceed to the next question.

6. Has the counterclaim plaintiff, General Electric Capital Corporation, by clear and convincing evidence demonstrated that the counterclaim defendant, Koch Foods of Alabama, LLC, consciously or deliberately engaged in legal malice, willfulness, insult, or other aggravating circumstances?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered no, sign and date Verdict Form G, and this concludes the questions you need to answer. If you answered yes, then proceed to the next question.

7. What amount of money will fairly and adequately represent the amount of punitive damages that you think is appropriate?

If appropriate, enter amount \$\_\_\_\_\_

Please fill this amount on Verdict Form H, and sign and Date Form H, and this concludes the questions you need to answer.

8. Did the plaintiff, Koch Foods of Alabama, LLC, prove by a preponderance of evidence, that the defendant, General Electric Capital Corporation, by leaving the deboning lines and the spiral freezer at Koch Foods' facility, is liable to Koch Foods for storage costs and other maintenance expenses?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If you answered no, sign and date Verdict Form I, and this concludes the questions you need to answer. If you answered yes, please proceed to the next question.

9. What amount of money will fairly and adequately compensate the plaintiff, Koch Foods of Alabama, LLC, for the storage costs and maintenance expenses it incurred?

If appropriate, enter amount \$\_\_\_\_\_

Please fill this amount on Verdict Form F and sign and date Verdict Form J. This concludes the questions you need to answer.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

**VERDICT FORM A**

We, the jury, in the above-captioned action, find in favor of the plaintiff, Koch Foods of Alabama, LLC, and against the defendant, General Electric Capital Corporation, on the plaintiff's claim that the deboning lines and the spiral freezer are fixtures of Koch Foods' poultry processing facility.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

_____	)	
KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
_____	)	
Defendant and Counterclaim-plaintiff.	)	

**VERDICT FORM B**

We, the jury, in the above-captioned action, find in favor of the defendant, General Electric Capital Corporation, and against the plaintiff, Koch Foods of Alabama, LLC, on the plaintiff's claim that the deboning lines and the spiral freezer are fixtures of Koch Foods' poultry processing facility.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON



**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

**VERDICT FORM C**

We, the jury, in the above-captioned action, find in favor of the counterclaim defendant, Koch Foods of Alabama, LLC, and against the counterclaim plaintiff, General Electric Capital Corporation, on the counterclaim that Koch Foods converted the spiral freezer located at Koch Foods' poultry processing facility.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

## VERDICT FORM D

We, the jury, in the above-captioned action, find in favor of the counterclaim plaintiff, General Electric Capital Corporation, and against the counterclaim defendant, Koch Foods of Alabama, LLC, on the counterclaim that Koch Foods converted the spiral freezer located at Koch Foods' poultry processing facility. Accordingly, we award the counterclaim plaintiff compensatory damages in the amount of \$\_\_\_\_\_.

Date

FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

**VERDICT FORM E**

We, the jury, in the above-captioned action, find in favor of the counterclaim defendant, Koch Foods of Alabama, LLC, and against the counterclaim plaintiff, General Electric Capital Corporation, on the counterclaim that Koch Foods converted the deboning lines located at Koch Foods' poultry processing facility.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

<u>KOCH FOODS OF ALABAMA, LLC,</u>	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
<u>Defendant and Counterclaim-plaintiff.</u>	)	

**VERDICT FORM F**

We, the jury, in the above-captioned action, find in favor of the counterclaim plaintiff, General Electric Capital Corporation, and against the counterclaim defendant, Koch Foods of Alabama, LLC, on the counterclaim that Koch Foods converted the deboning lines located at Koch Foods' poultry processing facility. Accordingly, we award the counterclaim plaintiff compensatory damages in the amount of \$\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

**VERDICT FORM G**

We, the jury, DO NOT find that the counterclaim plaintiff, General Electric Capital Corporation, should be awarded any punitive damages.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

_____	)	
KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	
_____	)	

**VERDICT FORM H**

We, the jury, DO find that the counterclaim plaintiff, General Electric Capital Corporation, should be awarded punitive damages in the amount of \$\_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	

**VERDICT FORM I**

We, the jury, in the above-captioned action, find in favor of the defendant, General Electric Capital Corporation, and against the plaintiff, Koch Foods of Alabama, LLC, on the plaintiff's claim that the defendant is liable for storage costs and maintenance expenses that the plaintiff incurred for the deboning lines and the spiral freezer.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA**

_____	)	
KOCH FOODS OF ALABAMA, LLC,	)	
an Alabama limited liability company,	)	Case No. 07-cv-522-MHT
	)	
Plaintiff and Counterclaim-defendant,	)	
	)	Honorable Myron H. Thompson
v.	)	
	)	Honorable Terry F. Moorer
GENERAL ELECTRIC CAPITAL	)	
CORPORATION, a Delaware corporation,	)	
	)	
Defendant and Counterclaim-plaintiff.	)	
_____	)	

**VERDICT FORM J**

We, the jury, in the above-captioned action, find in favor of the plaintiff, Koch Foods of Alabama, LLC, and against the defendant, General Electric Capital Corporation, on the plaintiff's claim that the defendant is liable for storage costs and maintenance expenses that the plaintiff incurred for the deboning lines and the spiral freezer. Accordingly, we award the plaintiff compensatory damages in the amount of \$ \_\_\_\_\_.

\_\_\_\_\_  
Date

\_\_\_\_\_  
FOREPERSON